

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Jerome Eugene Todd, #33233-086,) C/A No. 6:18-3087-MBS
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Petitioner,))
)
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vs.))
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)
Warden Hector Joyner (F.C.I. Estill),)
U.S. Marshal Service,)
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)
)
Respondents.)

Petitioner Jerome Eugene Todd, proceeding *pro se*, filed this civil action on November 14, 2018. He captioned his initial pleading as an Emergency Petition for a Writ of Mandamus (ECF No. 1). Petitioner is a federal prisoner currently incarcerated at FCI Estill in Estill, South Carolina. In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02, D.S.C., this matter was referred to a United States Magistrate Judge for pretrial handling.

On November 19, 2018, the Magistrate Judge issued an Order instructing Petitioner that his case was not in proper form for service of process (ECF No. 5). The Order also notified Petitioner that he is subject to the three-strikes bar under 28 U.S.C. § 1915(g), by Order of the United States District Court for the Northern District of Florida. See *Todd v. United States*, Case No. 5:17-cv-39-MCR-EMT, ECF No. 8 (N.D. Fla., March 2, 2017).¹ As such, Petitioner was advised that he is required to pay the filing fee of four

¹ The court took judicial notice of five federal civil actions that Petitioner had previously filed while he was incarcerated that had been dismissed as either frivolous or for failure to state a claim upon which relief may be granted. Notably, the inmate identification number of Petitioner in the case court before this court, BOP Inmate ID Number 33233-086, is the same inmate identification number that was before the Florida courts.

hundred dollars (\$400.00) before this court can conduct initial review. The Order warned Petitioner that if he failed to bring this case into proper form within the time permitted by the Order, his case may be dismissed for failure to prosecute and failure to comply with an Order of this court under Rule 41 of the Federal Rules of Civil Procedure. Petitioner has not complied with the court's Order and the time for responding has passed.

Because Petitioner has failed to prosecute his case and has failed to comply with an Order of this court, this case is **DISMISSED** without prejudice pursuant to the Federal Rule of Civil Procedure 41. See *Link v. Wabash R.R. Co.*, 370 U.S. 626 (1962).

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

December 27, 2018

Columbia, South Carolina